

The Gazette of India

EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

No. 254] NEW DELHI, THURSDAY, AUGUST 30, 1956

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 30th August 1956

S.R.O. 1944.—Whereas the election of Shri Bhairon Lal (*alias* Kalabadal) as a member of the Legislative Assembly of the State of Rajasthan from the Khanpur constituency of that Assembly was called in question by an election petition presented by Shri Jujhar Singh, son of Shri Sangram Singh, Rajput, resident of Kundanpuri House, Kotah;

And whereas the Election Tribunal appointed by the Election Commission for the trial of the said petition set aside the election of Shri Bhairon Lal (*alias* Kalabadal) and further declared Shri Jujhar Singh as duly elected by an order dated the 15th July, 1953 which was published in the Gazette of India, Extraordinary, Part II, Section 3, dated the 6th August, 1953 and thereafter ceased to exist;

And whereas the High Court of Judicature for Rajasthan, Jaipur Bench, on the appeal filed before that Court by Shri Bhairon Lal (*alias* Kalabadal) has set aside the said order of the Tribunal;

And whereas the Election Tribunal appointed by the Election Commission, in pursuance of the provisions of Section 86 of the Representation of the People Act, 1951 (XLIII of 1951) for further trial of the said petition has, in pursuance of the provisions contained in Section 103 of the said Act, sent a copy of its order to the Commission;

Now, therefore, in pursuance of the provisions of section 106 of the said Act, the Election Commission hereby publishes the said order of the Tribunal.

THE ELECTION TRIBUNAL, CAMP KOTAH

ELECTION PETITION No. 273 OF 1952

Shri Jujhar Singh—*Petitioner.*

Vs.

Shri Bhairon Lal and others—*Non-petitioner.*

PRESENT:

1. Shri D. C. Sharma—*Chairman.*
2. Shri Sukh Deo Mirdha—*Member.*
3. Shri Prembehari Lal Mathur—*Member.*

Shri Jujhar Singh petitioner in person.

Shri Bhairon Lal Kala Badal with his counsel Shri Ram Sharan.

Dated the 8th August, 1956

ORDER

The petitioner had filed an election petition on 16th May 1952 challenging the election of Shri Bhairon Lal which was accepted by the then Tribunal on 15th July, 1953. The non-petitioner filed a writ of certiorari before the Hon'ble High Court (Jaipur Bench) which by its order dated 22nd February 1956, accepted the same, set aside the judgment of the then Tribunal and remanded the case for further trial. The Election Commission having constituted the present Tribunal the hearing of the case came up before it on 6th August 1956 when the petitioner informed that he does not want to press his petition any more and wanted time to present an application to that effect. Consequently the case was adjourned to the 8th August, 1956 and the petitioner has presented an application stating therein that in view of the fact that he has also joined the Congress party to which the opposite party belonged, he does not want to prosecute his petition any more. His statement has also been recorded and it has been also found that he has already withdrawn the sum of Rs. 1,000 deposited by him as security for costs. He has been asked by the Tribunal to deposit the said security under section 118 of the Representation of the People Act 1951 (Act No. XLIII of 1951) but he has given a statement that he is not prepared to do so.

In view of the fact that the petitioner is not prepared to deposit any security for costs and is not going to prosecute his petition any more, the petition is hereby dismissed.

No order as to costs

(Sd.) D. C. SHARMA, *Chairman.*

(Sd.) SUKH DEO MIRDHA, *Member.*

(Sd.) PREMBEHARI LAL MATHUR, *Member*

[No. 19/273/52-Elec.III/26053.]

By Order,

A. KRISHNASWAMY AIYANGAR, *Secy*